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Court District of New Jersey

Caption in Compliance with D.N.J. LBR 9004-2(c)

45460

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In Re:

MITCH MIRABA

KATHRYN MIRABA

Case No.: 17-28485

Adv. No.:

Hearing Date: 5-10-18

Judge: JKS

ORDER RESOLVING OBJECTION TO CONFIRMATION OF ALLY CAPITAL

The relief set forth on the following pages, numbered two (2) is hereby **ORDERED**.

DATED: September 27,
2018

A handwritten signature in black ink, appearing to read "JK Sherwood".

Honorable John K. Sherwood
United States Bankruptcy Court

17-28485(JKS)

Order resolving objection to confirmation of Ally Capital

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This matter having been brought on before this Court on objection to confirmation filed by John R. Morton, Jr., Esq., attorney for Ally Capital, with the appearance of Stuart D. Gavzy Esq. on behalf of the debtors, and this order having been filed with the Court and served upon the debtors and their attorney under the seven day rule with no objections having been received as to the form or entry of the order, and for good cause shown;

IT IS ORDERED:

1. The objection to confirmation of Ally Capital is resolved as follows:
 - a. Ally holds a first purchase money security interest encumbering a 2013 Chevrolet Suburban as is more particularly set forth in Claim Number 3 filed by Ally in this case as a result of a retail installment contract executed by the debtors in connection with the purchase of the vehicle on 3-4-17.
 - b. Ally is unaffected by the plan.
 - c. The debtors were discharged in a prior Chapter 7 commenced on 3-15-16 and are not entitled to a discharge in this case.
 - d. Part 4(d)(2) of the plan is stricken as to Ally. Ally shall retain its lien on the vehicle after confirmation and until it is paid in full in accordance with the terms of the retail installment contract which exceeds the length of the plan.
 - e. The terms of this order shall be deemed to modify the debtors' plan.